

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TYRONE DAVIS SMITH,

Plaintiff,

v.

KEVIN A. CARR and DANIEL WINKLESKI,

Defendants.

ORDER

21-cv-656-jdp

Plaintiff Tyrone Davis Smith, appearing pro se, brings Eighth Amendment and Wisconsin-law negligence claims against defendant prison officials for failing to prevent him from contracting COVID-19 at New Lisbon Correctional Institution. But Smith has not properly prosecuted the case. He has changed addresses multiple times without informing the court or defendants of his new address and defendants have been unable to have Smith answer their discovery requests or authorize release of his medical records because of Smith's failure to update them on his address.

I have already denied one motion to dismiss the case for Smith's failure to update his address. Dkt. 23. After Smith moved again without notifying defendants of his new address, defendants filed a motion to dismiss the case or stay the schedule pending disclosure of his new address. Dkt. 29. Smith later called the court and provided his new address. Defendants followed with a motion to extend the dispositive motions deadline in part because they have only recently been able to send discovery requests to Smith's new address. Dkt. 33.

I will deny defendants' motion to dismiss the case because Smith has notified defendants and the court of his new address. I will grant defendants' motion to extend the dispositive motions deadline. There is not time remaining in the schedule for Smith to go

missing again. Should Smith fail to update defendants and the court of any future move, I will dismiss the case without prejudice for his failure to prosecute it.

ORDER

IT IS ORDERED that:

1. Defendants' motion to dismiss the case, Dkt. 29, is DENIED.
2. Defendants' motion to extend the dispositive motions deadline, Dkt. 33, is GRANTED. The new deadline is January 16, 2023.

Entered November 17, 2022.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge